

## AMENDMENTS

1931—Act Mar. 2, 1931, struck out first clause which read as follows: “Nothing in this chapter shall be construed to conflict with, or to authorize any conflict with, or in any way to impair or limit the effect or operation of the laws of any State relating to warehouses, warehousemen, weighers, graders, inspectors, samplers, or classifiers;”, inserted “In the discretion of the Secretary of Agriculture” in first clause of first sentence and “but the power, jurisdiction, and authority conferred upon the Secretary of Agriculture under this chapter shall be exclusive with respect to all persons securing a license hereunder so long as said license remains in effect” in second clause of first section.

1923—Act of Feb. 23, 1923, included among the objects to which the section applied, “inspectors, and samplers,” as well as warehouses, warehousemen, weighers, graders and classifiers as originally specified.

### § 270. Punishment for violations; reimbursement of owner of products converted

Every person who shall forge, alter, counterfeit, simulate, or falsely represent, or shall without proper authority use, any license issued by the Secretary of Agriculture, or his designated representative, under this chapter, or who shall violate or fail to comply with any provision of section 250 of this title, or who shall issue or utter a false or fraudulent receipt or certificate, or furnish false or fraudulent information to a central filing system maintained under section 259 of this title, or change in any manner an original receipt or certificate subsequently to issuance by a licensee, or any person who, without lawful authority, shall convert to his own use, or use for purposes of securing a loan, or remove from a licensed warehouse contrary to this chapter or the regulations promulgated thereunder, any agricultural products stored or to be stored in such warehouse, and for which licensed receipts have been or are to be issued, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not more than \$10,000, or double the value of the products involved if such double value exceeds \$10,000, or imprisoned not more than ten years, or both, in the discretion of the court, and the owner of the agricultural products so converted, used, or removed may, in the discretion of the Secretary of Agriculture, be reimbursed for the value thereof out of any fine collected hereunder, by check drawn on the Treasury at the direction of the Secretary of Agriculture for the value of such products to the extent that such owner has not otherwise been reimbursed. Any person who shall draw with intent to deceive, a false sample of, or who shall willfully mutilate or falsely represent a sample drawn under this chapter, or who shall classify, grade, or weigh fraudulently, any agricultural products stored or to be stored under the provisions of this chapter, shall be deemed guilty of a misdemeanor, and upon conviction thereof fined not more than \$500, or imprisoned for not more than six months, or both, in the discretion of the court.

(Aug. 11, 1916, ch. 313, pt. C, § 30, 39 Stat. 490; Feb. 23, 1923, ch. 106, 42 Stat. 1285; Mar. 2, 1931, ch. 366, § 10, 46 Stat. 1465; Pub. L. 101-624, title V, § 508(b), Nov. 28, 1990, 104 Stat. 3443.)

## AMENDMENTS

1990—Pub. L. 101-624 inserted “or furnish false or fraudulent information to a central filing system maintained under section 259 of this title,”.

1931—Act Mar. 2, 1931, in first sentence inserted “, or his designated representative,” after “Secretary of Agriculture” and “or change in any manner an original receipt or certificate subsequently to issuance by licensee” after “certificate”, and substituted “ten” for “one”.

1923—Act Feb. 23, 1923, amended section generally.

## EFFECTIVE DATE OF 1990 AMENDMENT

Amendment by Pub. L. 101-624 effective beginning with the 1991 crop of an agricultural commodity, with provision for prior crops, see section 1171 of Pub. L. 101-624, set out as a note under section 1421 of this title.

### § 271. Authorization of appropriations; employment of temporary personnel

There are hereby authorized to be appropriated such sums as are necessary to carry out the provisions of this chapter other than those services for which fees are authorized pursuant to section 251 of this title. Such appropriated funds may be used by the Secretary to employ qualified persons not regularly in the service of the United States for temporary assistance in carrying out the provisions of this chapter.

(Aug. 11, 1916, ch. 313, pt. C, § 31, 39 Stat. 491; Pub. L. 97-35, title I, § 158(a)(2), Aug. 13, 1981, 95 Stat. 376.)

## AMENDMENTS

1981—Pub. L. 97-35 inserted provisions respecting authorizing of appropriations.

## EFFECTIVE DATE OF 1981 AMENDMENT

Amendment by Pub. L. 97-35 effective Oct. 1, 1981, see section 158(b) of Pub. L. 97-35, set out as a note under section 251 of this title.

### § 272. Separability

If any clause, sentence, paragraph, or part of this chapter shall, for any reason, be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, or part thereof directly involved in the controversy in which such judgment shall have been rendered.

(Aug. 11, 1916, ch. 313, pt. C, § 32, 39 Stat. 491.)

### § 273. Rights reserved

The right to amend, alter or repeal this chapter is expressly reserved.

(Aug. 11, 1916, ch. 313, pt. C, § 33, 39 Stat. 491.)

## CHAPTER 11—HONEYBEES

Sec.

- 281. Honeybee importation.
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Sec.

- (a) Operations in United States.
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- (c) Responsibility for authority to carry out operations.

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**§ 281. Honeybee importation****(a) In general**

The Secretary of Agriculture is authorized to prohibit or restrict the importation or entry of honeybees and honeybee semen into or through the United States in order to prevent the introduction and spread of diseases and parasites harmful to honeybees, the introduction of genetically undesirable germ plasm of honeybees, or the introduction and spread of undesirable species or subspecies of honeybees and the semen of honeybees.

**(b) Regulations**

The Secretary of Agriculture and the Secretary of the Treasury are each authorized to prescribe such regulations as the respective Secretary determines necessary to carry out this section.

**(c) Enforcement**

Honeybees or honeybee semen offered for importation into, intercepted entering, or having entered the United States, other than in accordance with regulations promulgated by the Secretary of Agriculture and the Secretary of the Treasury, shall be destroyed or immediately exported.

**(d) "Honeybee" defined**

As used in this chapter, the term "honeybee" means all life stages and the germ plasm of honeybees of the genus *Apis*, except honeybee semen.

(Aug. 31, 1922, ch. 301, §1, 42 Stat. 833; Pub. L. 87-539, §1, July 19, 1962, 76 Stat. 169; Pub. L. 94-319, §1, June 25, 1976, 90 Stat. 709; Pub. L. 103-182, title III, §361(d)(2), Dec. 8, 1993, 107 Stat. 2123; Pub. L. 103-465, title IV, §431(e), Dec. 8, 1994, 108 Stat. 4968.)

## AMENDMENTS

1994—Pub. L. 103-465 amended section generally, substituting present provisions for former subsecs. (a) to (e) restricting importation of honeybees and honeybee semen into United States, providing for promulgation of rules and regulations as to such importation, providing for destruction or immediate exportation of non-accepted honeybees or honeybee semen offered for import or intercepted, and defining "honeybee".

1993—Subsec. (a)(3). Pub. L. 103-182, §361(d)(2)(A), added par. (3).

Subsec. (b). Pub. L. 103-182, §361(d)(2)(B), inserted "(1)" after "only from" and added cl. (2).

1976—Pub. L. 94-319 incorporated existing provisions, which related only to honeybees, into subsecs. (a) to (e) relating to honeybees and honeybee semen, making honeybee provisions applicable to all life stages and the germ plasm of honeybees instead of only to honeybees in the adult stage, restating purpose of prohibiting importation of honeybees and restating conditions to be determined by Secretary of Agriculture with respect to countries from which honeybees may be imported.

1962—Pub. L. 87-539 enlarged prohibition against importation of honeybees to include the honeybee of the genus *Apis* instead of only the honeybee *Apis mellifica* and restricted permission to import the honeybee to countries which take adequate precautions to prevent importation of honeybees from countries where dangerous diseases exist.

## EFFECTIVE DATE OF 1994 AMENDMENT

Amendment by Pub. L. 103-465 effective on the date of entry into force of the WTO Agreement with respect to the United States (Jan. 1, 1995), except as otherwise provided, see section 451 of Pub. L. 103-465, set out as an Effective Date note under section 3601 of Title 19, Customs Duties.

## SHORT TITLE

Act Aug. 31, 1922, as amended, which is classified to this chapter, is popularly known as the "Honeybee Act".

## SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 282 of this title.

**§ 282. Punishment for unlawful importation**

Any person who violates any provision of section 281 of this title or any regulation issued under it is guilty of an offense against the United States and shall, upon conviction, be fined not more than \$1,000, or imprisoned for not more than one year, or both.

(Aug. 31, 1922, ch. 301, §2, 42 Stat. 834; Pub. L. 94-319, §2, June 25, 1976, 90 Stat. 709.)

## AMENDMENTS

1976—Pub. L. 94-319 inserted reference to regulations, substituted characterization of violation as offense against the United States for characterization as a misdemeanor, increased maximum fine to \$1,000 from \$500 and struck out provision relating to discretion of the court.

**§ 283. Propagation of stock and release of germ plasm**

The Secretary of Agriculture may propagate bee-breeding stock and may release bee germ plasm to the public.

(Sept. 21, 1944, ch. 412, title I, §103, 58 Stat. 735; Oct. 31, 1951, ch. 654, §3(1), 65 Stat. 708; Pub. L. 97-98, title XI, §1120, Dec. 22, 1981, 95 Stat. 1273.)

## CODIFICATION

This section was not enacted as part of act Aug. 31, 1922, which comprises this chapter.

Provisions similar to this section were contained in the following prior Department of Agriculture Appropriation Acts:

June 28, 1944, ch. 296, 58 Stat. 439.

July 12, 1943, ch. 215, 57 Stat. 407.

## AMENDMENTS

1981—Pub. L. 97-98 inserted "and may release bee germ plasm to the public".

1951—Act Oct. 31, 1951, struck out provisions relating to sale of surplus bee-breeding stock, and the fixing of rates and disposition of proceeds in connection therewith.

## EFFECTIVE DATE OF 1981 AMENDMENT

Amendment by Pub. L. 97-98 effective on Dec. 22, 1981, see section 1801 of Pub. L. 97-98, set out as an Effective Date note under section 4301 of this title.